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REMARKS

This Amendment and Response is submitted in reply to the Office Action mailed June 28, 2005, in which pending claims 1-6 and 7-36 were rejected. In this Amendment and Response, independent claims 1 and 28 have been amended and new claims 37-40 have been added. Applicant respectfully requests reconsideration of this application.

Examiner Interview Summary

Applicant wishes to thank Examiner Ali for participating in a telephonic interview on September 22, 2005, in which the teachings of the Lake, Cook and Riddle patents were discussed. No agreement was reached with respect to the claims.

Claim Amendments and New Claims

Claims 1 and 28 have been amended to recite that the actuator is adapted to move the first body supporting portion along the longitudinal axis without interfering with movement of the first body supporting portion along the path comprising at least one rotational degree of freedom. Claims 1 and 28 are fully supported by the specification and claims as originally filed. For example, the specification recites that the actuator 56 is able to apply or remove a traction force without interfering with the yaw, pitch or roll mechanisms (page 7, lines 26-29 and page 8, lines 1-4).

New claim 37 recites an apparatus including a second actuator adapted to move the first body supporting portion along at least one rotational degree of freedom comprising pitch movement. Claim 38 depends from claim 37 and recites that the linking mechanism provides for pitch movement both above and below a neutral position. Claim 39 also depends from claim 37 and recites that the apparatus includes a processor adapted to move the actuator to provide automated pitch movement. Each of these claims is fully supported by the specification and claims as originally filed. For example, the specification states that an actuator 66 can be attached to pitch mechanism 62 to facilitate pitch movement along path 26 (page 7, lines 8-10). Referring to Fig. 6, the specification states that the pitch mechanism is capable of extending platform portion 53 below the neutral position according to certain

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embodiments (page 9, lines 18-24). The specification further states that the processor 70 is optionally adapted to automatically adjust the table pitch (page 8, lines 11-12).

Claim 40 recites an apparatus including a processor adapted to store at least one traction protocol. Claim 40 is fully supported by the specification and claims as originally filed. For example, the specification states that the processor 70 can store and retrieve pre-programmed traction protocols (page 8, lines 18-19).

Claim Rejections

Claims 1-5 and 7-36 stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,277,141 to Lake ("Lake") in view of U.S. Patent No. 5,181,904 to Cook ("Cook"). Applicants respectfully request withdrawal of this rejection

Lake does not disclose a therapeutic apparatus including a first actuator adapted to move the first body supporting portion relative to the second body supporting portion along the longitudinal axis. Furthermore, a person of ordinary skill in the art would not be motivated to modify the apparatus reported in Lake to include an actuator to provide sliding movement between the center table and the end table because Lake does not report that the apparatus may be used to apply traction by extending the end table relative to the center table.

Although Lake generally states that the reported apparatus could be used to apply traction treatment (col. 6, lines 55-58), Lake does not describe how the traction treatment would be achieved or to which body parts traction could be applied. In particular, Lake does not state that the reported slide mode (col. 1, lines 16-18; col. 6, lines 32-34) could be used to apply traction by extending the end table relative to the center table.

Instead, Lake reports an apparatus designed to support and manipulate a patient in a plurality of body orientations (col. 1, lines 16-18; col. 6, lines 32-34). Lake further reports that it is the "usual practice" to make initial table adjustments prior to placing a patient on the table and then to make "final adjustments" after the table is in place (col. 5, lines 52-55). The straps designed to secure the patient are only used when the table is held at "extreme" angles (col. 5, lines 55-57), and not as a standard treatment practice. The foregoing

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statements indicate that the apparatus reported in Lake is intended for use as a manipulation device and not as a traction device. Because Lake fails to teach employing the sliding movement for traction treatment, a person of skill in the art would not be motivated to incorporate an actuator for the purpose of applying traction.

Amended claims 1 and 28 further distinguish over the Lake and Cook because neither reference reports or suggests an apparatus capable of providing actuated longitudinal movement without interfering with movement along a path comprising at least one degree of freedom. Notably, the apparatus reported in Cook is intended for portable use by connecting one end of the pneumatic cylinder to a wall. In order to be incorporated into the apparatus reported in Lake, the pneumatic cylinder would have to be able to apply traction while still allowing simultaneous pitch, roll or yaw movement. Such movement would not be possible (without significant non-obvious modifications) if the reported pneumatic cylinder were connected to a wall or other stationary structure as reported in Cook. Thus, a person of skill in the art would not be motivated to modify the apparatus reported in Lake with any actuator, and in particular the pneumatic cylinder reported in Cook. Applicants respectfully request withdrawal of this rejection with respect to claims 1-5 and 7-28.

Claims 10, 12 and 13 depend from claim 1, and each recite that the apparatus includes a second actuator for moving or displacing various portions of the claimed apparatus. Neither Cook, Lake or Riddle report an apparatus having a two actuators, at least one of which being adapted to provide relative longitudinal movement. Thus, these claims are further allowable in view of the additional claim features.

Claim 24 recites an apparatus including a cervical traction member. Lake does not report an apparatus capable of providing cervical traction, and thus, there would have been no motivation to incorporate the automated cervical traction device reported in Cook.

Claims 25-27 and 35-36 recite an apparatus (and method of using an apparatus) that includes a processor in communication with portions of the apparatus. Lake does not report the use of a processor in conjunction with the reported apparatus. Furthermore, Lake provides no suggestion or motivation to include a processor because Lake reports an

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apparatus for manually orientating and manipulating the body by locking the apparatus in a particular position, rather than for providing traction treatment or protocols.

New claim 37 recites an apparatus including a second actuator to move the first body supporting portion along least one rotational degree freedom comprising pitch movement. Claims 38 and 39 depend from claim 37. These claims are allowable over the prior art at least because, as asserted above, Lake does not teach or suggest actuated longitudinal movement. Furthermore there would be no motivation to modify Lake to provide for actuated pitch movement because Lake reports an apparatus for manually orientating and manipulating the body by locking the apparatus in a particular position. Applicants respectfully request allowance of these claims.

Claim 40 recites an apparatus including a processor adapted store at least one traction protocol. This claim is allowable over the prior art because neither Lake, Cook or Riddle teach or suggest an apparatus including a processor capable of storing traction protocols. Additionally, as previously asserted, there would have been no motivation to add a processor with that capability to the apparatus reported in Lake because Lake does not report or suggest utilizing automated longitudinal movement to provide traction therapy.

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Conclusion

Applicant has enclosed a fee payment for the newly recited claims. If this fee payment is incorrect (or any other fee is required to enter this paper) the Commissioner is authorized to adjust our Deposit Account 06-0029 and is requested to notify us of such an adjustment.

Respectfully Submitted,

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